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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

HOMELAND INSURANCE COMPANY)
OF NEW YORK,)

Plaintiff,)

vs.)

Case No. 15-CV-31-J

POWELL HOSPITAL DISTRICT,)
POWELL VALLEY HEALTH CARE,)
INC., HEALTHTECH MANAGEMENT)
SERVICES, INC., JEFFREY HANSEN,)
M.D., and WILLIAM D. PATTEN,)

Defendants.)

and)

HEALTHTECH MANAGEMENT)
SERVICES, INC. and BILL PATTEN,)

Counterclaimants)

vs.)

UMIA INSURANCE, INC. and)
LEXINGTON INSURANCE COMPANY,)

Counterclaim-Defendants)

**MOTION OF POWELL VALLEY
HEALTH CARE, INC. AND POWELL
HOSPITAL DISTRICT FOR LEAVE
TO FILE AN AMENDED CROSSCLAIM
AGAINST COUNTER CLAIM
DEFENDANT UMIA INSURANCE, INC.**

)
and)
)
POWELL HOSPITAL DISTRICT,)
POWELL VALLEY HEALTH CARE,)
INC., and JEFFREY HANSEN, M.D.,)
)
Cross-Claimants,)
)
vs.)
)
UMIA INSURANCE, INC., and)
LEXINGTON INSURANCE COMPANY,)
)
)
Crossclaim-Defendants.)

COME NOW, the Defendants Powell Valley Health Care, Inc. and Powell Hospital District, and move this Court for leave to file their Amended Crossclaim against UMIA Insurance, Inc. This Court, in its Order on Initial Pretrial Conference, ordered that the parties be allowed to file amended pleadings alleging new claims to pleadings on or before May 1, 2016. UMIA, in its Crossclaim against Powell Hospital District, Powell Valley Health Care, Inc. and Jeffrey Hansen, M.D., referenced various claims that had been filed at the time UMIA filed its Crossclaim and, in addition, referenced numerous other notices of governmental claim and applications for claim reviews by unnamed former patients whose identities were not set forth therein. At that time, UMIA was defending all claims tendered to it on behalf of these Defendants except for the DiPilla claim, subject to a reservation of rights. UMIA has now determined not to provide a defense for a claim filed against these Defendants on behalf of Nancy and Larry Heiser, and also has affirmatively asserted that it intends not just to reserve rights, but to deny coverage as to all other claims it is defending on behalf of these Defendants. It is in the interests of all parties and judicial

economy that all of those claims be resolved in this litigation and these Defendants seek leave to amend their Crossclaim to specifically include a claim arising out of the attempt by UMIA to deny a defense to those claims it is not defending and to deny coverage to all other claims which it is defending and seeks to deny coverage for. The purpose of the amended Crossclaim is to include all claims in this declaratory judgment action. A copy of the Amended Crossclaim is attached hereto.

These Defendants had inquired of UMIA as to whether or not they had any objection, and have now been advised that UMIA has no objection to the proposed Amended Crossclaim.

DATED this 5th day of May, 2016.

/s/ Tracy J. Copenhaver

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Motion for to Leave to file Amended Counterclaim against UMIA Insurance via CM/ECF mail notification to the following, this 5th day of May, 2016:

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